

Service Date: March 28, 1996

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF The Application of	)	UTILITY DIVISION
Lincoln Telephone Company, Inc. to Increase	)	
its Local Service Rates and to Combine Classes	)	DOCKET NO. N95.12.195
of Service.	)	ORDER NO. 5903

**FINAL ORDER**

1. On December 22, 1995 Lincoln Telephone Company, Inc. (Lincoln) filed revised tariff pages reflecting proposed increases in local service rates. In addition to increasing rates for local service, the filing also proposed to reduce Lincoln's rate classes from four to two, reflecting the discontinuance of separate classes of service for rotary dial and touch tone offerings.

2. The filing was made pursuant to the §§ 69-3-903 through -907, MCA, which provides for a less stringent form of regulation for small telecommunications providers with less than 5,000 access lines. Lincoln provided service to 766 residential subscribers and 236 business subscribers as of the date of the filing.

3. Under the statutory provisions for small telecommunications providers, Lincoln's proposed rates automatically go into effect if the Montana Public Service Commission (Commission) has not received petitions with signatures from at least 10 percent of the affected subscribers in any rate category or a petition for review from the Montana Consumer Counsel (MCC) by the 60th day following notice to subscribers of the new rates. Section 69-3-907, MCA.

4. Pursuant to §69-3-907, MCA, the Commission hereby certifies to Lincoln that the Commission has not received petitions containing signatures from at least 10 percent of the affected customers in a rate category or a petition for review from the MCC. The Commission has not reviewed the proposed rates.

5. Pursuant to § 69-3-907, MCA, the Commission hereby notifies Lincoln that the proposed new rates are effective as of February 20, 1996 without Commission review.

### CONCLUSIONS OF LAW

1. Lincoln Telephone Company, Inc. provides regulated telecommunications services within the State of Montana and is a public utility under the regulatory jurisdiction of the Montana Public Service Commission. Sections 69-3-101 and 69-3-803, MCA.

2. The Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA. The Commission has the authority to establish rates, tariffs and fares for the provision of regulated telecommunications service, except as limited by statute for rate regulation of small telecommunications providers. Sections 69-3-807(1) and 69-3-901 et seq., MCA.

3. As the Commission did not receive petitions requesting review of the proposed rate increases from at least ten percent of the affected customers in a rate category or a request from the Montana Consumer Counsel, the proposed rates are effective without Commission review 60 days after notice to Lincoln's customers. Section 69-3-904, MCA.

### ORDER

#### IT IS ORDERED:

1. Lincoln's proposed rate changes as contained in the Notice dated December 22, 1995 became effective on February 20, 1996 by operation of law.

2. Docket No. N95.12.195 is closed.

Done and Dated this 25th day of March, 1996 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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NANCY MCCAFFREE, Chair

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DAVE FISHER, Vice Chair

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BOB ANDERSON, Commissioner

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DANNY OBERG, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.